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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,523	05/24/2001	Phillip M. Berman	82553WFN	3057

7590

01/12/2006

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EXAMINER

COBANOGLU, DILEK B

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,523

Applicant(s)

BERMAN, PHILLIP M.

Examiner

Dilek B. Cobanoglu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05-24-2001.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the amendment filed 10/27/2005. Claims 1-4 remain pending. Claims 1 and 3 have been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 to 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings, Jr. et al. (U.S. Patent No. 6,345,260) in view of DeBusk (U.S. Patent No. 5,995,937) as applied in the prior office action, and further in view of DeBruin-Ashton (U.S. Patent No. 6,014,629).

A. Claim 1 and 3 have been amended to now recite a database system for information regarding the availability of medical diagnostic equipment wherein "the equipment is being associated with a zip code representative of the physical location of the medical diagnostic equipment" and "the availability being based on the zip code of the medical diagnostic equipment".

Cummings, Jr. et al. and DeBusk both fail to expressly teach the availability of the medical diagnostic equipment being based on a representative of the physical location of the medical diagnostic

equipment. However, this feature is well known in the art, as evidenced by DeBruin-Ashton.

In particular, DeBruin-Ashton discloses a personalized healthcare provider directory which includes relational databases of physician information, customer information and regarding images and and/or advertising information wherein data is intelligently extracted from each of these databases, such as by sorting by the zip code, to identify physicians having offices in the zip code of a customer via a mapping database (106). (DeBruin-Ashton; col.3, lines 58-63 and co.7, lines 52-58; the examiner interprets "particular physician specialty" to include "medical diagnostic equipment." In particular, a radiologist would have imaging equipment in his/her office)

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined scheduling the availability of medical providers and procedures, scheduling and utilization of medical equipment and extracting the data from each of the databases, such as by sorting by the zip code with the motivation of locating offices within the specified local geographic area for the customer. (DeBruin-Ashton; col.7, line 63 to col.8, line 2)

B. Claim 3 has also been amended to now recite "allowing a user to enter a zip code corresponding to a desired geographic area". As per this feature DeBruin Ashton is clearly directed to determining a geographic region local to the

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customer (DeBruin Ashton; col. 11, lines 19-27); the area corresponding to the zip code of the customer may be specified as the local geographical region for the customer.

The obviousness of modifying the teaching of Cummings to include the determining of the availability of medical equipment (as taught by DeBusk) and extracting data from each of the databases, such as by sorting by the zip code, to identify physicians having offices in the zip code of a customer (as taught by DeBruin-Ashton) is as addressed above in the rejection of claim 1 and incorporated herein.

C. Claims 2 and 4 have not been amended, and Applicant does not appear to argue the separate patentability of these claims. As such, claims 2 and 4 are rejected for the same reasons given in the previous Office Action and incorporated herein.

Response to Arguments

4. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's arguments filed 10/27/2005 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 10/27/2005.

6. At pages 5-6 of the 10/27/2005 response, Applicant argues that the newly added features in the 10/27/2005 amendment are not taught or suggested by the applied references.

7. In response, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 10/27/2005 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Cummings, Jr. et al., DeBusk and DeBruin-Ashton based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action and incorporated herein. In particular, DeBruin Ashton clearly teaches the feature of a zip code to determine the location of medical practitioner or specialist having medical diagnostic equipment, as provided in the rejections above.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DBC

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01/09/2006


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER